

DECLARATION, POWER OF ATTORNEY, AND PETITION

We,

- (1) Name: Giorgio Giaretta
Address: 1609 Ronden Court
Mountain View, California 94040
Citizenship: Italy
- (2) Name: Stefano Schiaffino
Address: 227 Chester Street
Menlo Park, California 94025
Citizenship: Italy
- (3) Name: Dev E. Kumar
Address: 404 Flagg Avenue
San Jose, California 95128
Citizenship: United States

declare: that our citizenship, residence address, and post office address are as set forth above; that we verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled COOLED ELECTROABSORPTIVE MODULATED LASER FOR TRANSMITTER OPTICAL SUBASSEMBLY for which a patent is sought and which is described and claimed in the specification attached hereto; that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to herein; and that we acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

We hereby claim the benefit under Section 120 of Title 35 of the United States Code of the earlier filed pending application, Serial No. 10/231,395 filed August 29, 2002; and, insofar as the

subject matter of each of the claims of this application is not disclosed in the earlier filed pending application in the manner provided by the first paragraph of Section 112 of Title 35 of the United States Code, we acknowledge the duty to disclose material information, as defined in Section 1.56(a) of Title 37 of the Code of Federal Regulations, which occurred between the filing date of the earlier filed application and the filing date of this application.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys and/or patent agents those listed under the following Customer Number with full power to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:



022913

PATENT TRADEMARK OFFICE

Customer Number

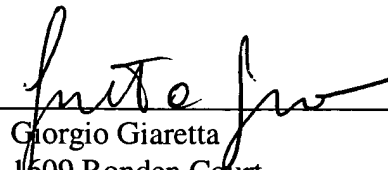
All correspondence and telephonic communications should be directed to:

R. BURNS ISRAELSEN
WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at _____, _____ this 4 day of August, 2003.

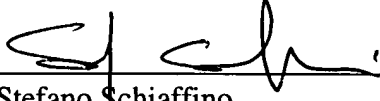
Inventor: _____


Giorgio Giaretta


1609 Ronden Court

Mountain View, California 94040

Signed at _____, _____ this 4th day of December, 2003.

Inventor: 
Stefano Schiaffino
227 Chester Street
Menlo Park, California 94025

Signed at _____, _____ this 27th day of July, 2003.

Inventor: 
Dev E. Kumar
404 Flagg Avenue
San Jose, California 95128

W:\15436\189\BLM0000001044V001.DOC